

Applicant: Schwartz et al.
Application No.: 09/706,508

IN THE CLAIMS

1. (Newly Amended) A method for associating portable communication devices including the communication device of claim 38 with a preexisting publicly available broadcast, the method comprising:

providing portable communication devices preset to receive only the preexisting publicly available broadcast; and

distributing the preset communication devices to individuals for receiving the preexisting publicly available broadcast.

2. (Previously Amended) The method of claim 1 wherein the preexisting publicly available broadcast has an associated broadcast time period, the method further comprising:

preventing operation of the communication devices during time periods other than the broadcast time period.

3. (Previously Amended) The method of claim 1 wherein the portable communication devices have indicia of the preexisting publicly available broadcast.

4. (Previously Amended) The method of claim 1 wherein the portable communication devices are fixedly set to receive only the preexisting publicly available broadcast.

5. (Original) The method of claim 1 further comprising preventing an individual being distributed the communication device from resetting the communication device to another broadcast.

6. (Previously Amended) The method of claim 1 wherein the preexisting publicly available broadcast is associated with an event and the communication devices are distributed along with tickets of the event.

Applicant: Schwartz et al.
Application No.: 09/706,508

7. (Previously Amended) The method of claim 1 wherein the preexisting publicly available broadcast is an event and the communication devices are distributed upon entry to the event.

8. (Previously Amended) The method of claim 1 wherein the preexisting publicly available broadcast is associated with an event and the communication device has indicia of the event.

9. (Previously Amended) The method of claim 1 wherein the communication device has indicia of an advertiser of the preexisting publicly available broadcast.

10. (Original) The method of claim 1 further comprising:
each portable communication device transmitting a use signal when operating; and
receiving the use signals for the operating communication devices to determine a number of the operating units.

11. (Newly Amended) A portable radio associated with a preexisting publicly available broadcast, the radio comprising:
a receiver for only receiving the preexisting publicly available broadcast, the receiver preset to receive the predetermined broadcast; and
a speaker for producing audio signals of the received preexisting publicly available broadcast; and
wherein the portable radio is the communication device of claim 38.

12. (Previously Amended) The radio of claim 11 wherein the radio has indicia of the preexisting publicly available broadcast.

Applicant: Schwartz et al.
Application No.: 09/706,508

13. (Previously Amended) The radio of claim 11 wherein the radio receiver comprises a variable frequency tuner which is set to the frequency of the preexisting publicly available broadcast during manufacture.

14. (Original) The radio of claim 11 further comprising a rechargeable battery for supplying power to the radio.

15. (Original) The radio of claim 11 further comprising an input to allow a received frequency of the radio to be changed.

16. (Original) The radio of claim 15 wherein the input is a female adapter.

17. (Newly Amended) A portable communication device associated with a preexisting publicly available broadcast, the device comprising:

a receiver for receiving only the preexisting publicly available broadcast, the receiver preset to receive the preexisting publicly available broadcast; and

a speaker for producing audio signals of the received preexisting publicly available broadcast; and

wherein the portable communication device is the communication device of claim 38.

18. (Previously Amended) The device of claim 17 further comprising indicia of the preexisting publicly available broadcast.

Applicant: Schwartz et al.
Application No.: 09/706,508

19. (Previously Amended) The device of claim 17 further comprising indicia of an advertiser associated with the preexisting publicly available broadcast.

20. (Original) The device of claim 17 further comprising a battery for powering components of the device and a timer switch for selectively coupling the battery to the components and a timer; wherein the timer prevents operation of the radio by effectively decoupling the battery from the components using the timer switch.

21. (Previously Amended) The device of claim 17 wherein the receiver is fixedly set to receive the preexisting publicly available broadcast.

22. (Previously Amended) The device of claim 17 wherein the preexisting publicly available broadcast is broadcast in a digital format and the receiver is a digital receiver.

23. (Previously Amended) The device of claim 17 wherein the device is a radio and the preexisting publicly available broadcast is of a preexisting publicly available radio station and the receiver is preset to the preexisting publicly available radio station.

24. (Canceled).

25. (Previously Amended) The device of claim 17 wherein the preexisting publicly available broadcast has an associated broadcast time period and the device further comprising a timer and an associated switch for preventing operation of the

Applicant: Schwartz et al.
Application No.: 09/706,508

communication device during time periods other than the associated broadcast time period.

26. (Original) The device of claim 17 having an off state and on states with a plurality of differing volumes, the device having a button for switching between the states.

27. (Original) The device of claim 17 having an off state and on states with a plurality of differing volumes, the device having a switch for switching between the states.

28. (Original) The device of claim 17 further comprising a rechargeable battery for powering components of the device.

29. (Canceled).

30. (Canceled).

31. (Canceled).

32. (Canceled).

33. (Canceled).

34. (Canceled).

Applicant: Schwartz et al.
Application No.: 09/706,508

35. (Canceled).

36. (Canceled).

37. (Canceled).

38. (Previously Amended) A communication device comprising:

a speaker configured to direct sounds towards an ear canal of a listener's ear and a component configured to fit substantially in a concha portion of the listener's ear; and

a housing connected to the component, the housing configured to be substantially supported by a pinna of the listener's ear and containing substantially all other components of the communication device other than the speaker.

39. (Previously Amended) The communication device of claim 38 wherein the device is used in promotion of a preexisting publicly available broadcast.

40. (Original) The communication device of claim 38 wherein the all other components comprises a variable frequency tuner and a tuned frequency of the tuner is adjustable by a listener.

41. (Original) The communication device of claim 38 wherein the all other components comprises a memory storing a recording associated with the predetermined broadcast.

Applicant: Schwartz et al.
Application No.: 09/706,508

42. (Previously Amended) The communication device of claim 39 further comprising indicia associated with the preexisting publicly available broadcast.

43. (Previously Amended) The communication device of claim 39 further comprising indicia associated with an advertiser of the preexisting publicly available broadcast.

44. (Previously Amended) The communication device of claim 39 further comprising indicia associated with a sponsor of the preexisting publicly available broadcast.

45. (Original) The communication device of claim 33 wherein the communication device is a digital recording player and the all other components comprising a memory for storing a digital recording and a digital audio processor for producing an audio signal of the digital recording.

46. (Original) The digital recording player of claim 45 wherein the memory is a RAM.

47. (Original) The digital recording player of claim 45 wherein the memory is a ROM.

48. (Original) The digital recording player of claim 45 further comprising an input for receiving the digital recording.

Applicant: Schwartz et al.
Application No.: 09/706,508

49. (Original) The digital recording player of claim 45 further comprising indicia associated with the digital recording.

50. (Canceled).

51. (Canceled).

52. (Canceled).

53. (Canceled).

54. (Canceled).

55. (Canceled).

56. (Canceled).

57. (Canceled).

58. (Canceled).